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International Court of Justice

H0909 - 0002

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Darrow
20 May 1946
1200-1300

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL, PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946; MONDAY, 20 MAY 1946.

COMMISSIONERS:

Colonel A. M. S. Neave
Captain Joseph Tubridy

THE SS

(The Commission convened at 1200 hours).

(please start typing the text right here)

H0909-0003

JOHANNES ZUPKE, a witness, took the stand and testified as follows:

BY ~~COLONEL~~ COLONEL NEAVE:

Q What is your full name?

A Johannes ~~XXX~~ Zupke.

Q Will you raise your right hand and repeat these words after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(~~XXX~~ The witness ~~XXXXX~~ repeated the oath.)

Q You may sit down.

COLONEL GRIFFITH JONES: When defense counsel refer to a document it will be of assistance to give the number of it.

COLONEL NEAVE: Yes, will you do that. Will you give the number of the documents.

DIRECT EXAMINATION

BY DR. KOESSL:

Q Can you give basic information about the individual members of the Order Police in the SS?

A Yes.

COLONEL NEAVE: Can you tell us what this man's position was?

BY DR. KOESSL:

Q What position did you have?

H0909-0004

A I was Gruppenleiter in the Personnel Department of the Order Police.

Q What special fields or questions were dealt with in your department?

A My department dealt with all basic personnel questions. No individual cases were treated. We handled especially questions of career, questions of regulations as to marriage, as to leave, police official law and so-called amalgamation of the SS and the police.

Q Are there any other special fields?

A I don't believe that I have to mention others that have any bearing on any case concerned with this trial. I also handled other affairs.

Q How long were you a police officer?

A I became a police officer in August of 1919.

Q Have you been police officer the whole time from this time until Germany's collapse?

A Yes. Without a break.

Q What were you before 1919?

A During the World War I volunteered and later I was a reserve officer of the Reserves.

Q Can your professional career be considered as the general career of a police officer?

A At that time, yes.

Q What was the historic development of taking over members of the Order Police as members of the SS?

H0909-0005

A May I make explanations?

COLONEL NEAVE: What did he say?

THE WITNESS: I should like to ask permission to make explanations. In 1934 or it may have been 1935 there was passed a decree or order. This order, this very order, forbade among other things members of the Shutzpolezei and of the gendarmarie to be members of the SS and ~~XXXX~~ the SA. Anyone who already was a member of the SA or the SS had to resign membership. This decree was published in the Reichs Ministerialblatt.

BY DR. KOESSL:

Q Was this order maintained?

A In 1937 Hitler suddenly passed an order. This order that Hitler passed was made upon the suggestion of Himmler. This decree said that members of the SS within the Order Police were to wear their uniforms, their S uniforms.

COLONEL NEAVE: Which uniforms does he mean?

THE WITNESS: On the police uniforms these members of the SS were to wear the Victory runes of the SS.

COLONEL NEAVE: This was 1937.

THE WITNESS: This was 1937.

COLONEL NEAVE: This~~is~~ are members of the SS within the police?

THE WITNESS: The Order Police. But, in principle, membership ~~XX~~ of the SS was forbidden and he who was a mem-

H0909-0006

ber of the SS should have resigned his membership. The decree saying that we were to wear the Victory rune was practically without significance. There was only a handful of people who had remained in the SS in spite of the prohibition, the law forbidding them to do so. The decree was then interpreted to mean as follows: That the prohibition for members of the Order Police to be members of the SS had to be retracted, but even now the number of members of the SS within the Order Police was very small. And now for the first time there was a larger registration of members of the Order Police in the SS, and this was after the annexation of Austria. All police members who had taken part in the entry into Austria were now permitted to become members of the SS. This same measure or the same regulation was later used on various occasions. For example, the annexation of the Sudetenland, Czecho-Slovakia, when new police officers were created, especially if they had a faultless record for six months within the police; and I believe from 1940 on from newly promoted officers it was also allowed for newly promoted officers to join the SS.

BY DR. KOESSL:

Q Were the categories chosen such that only particularly good Nazis were admitted into the SS?

A No. There was no selection. I just said, for example, all policemen who took part in the entry into Austria could apply for SS membership, and when the policemen who were to march into Austria were selected they were not

H0909 -0007

asked as to whether they were Nazis or not.

Q Did this taking over of members or accepting these men of the Order Police as members of the SS have any influence on their activities?

A Not the slightest.

Q Did the members of the Order Police who were admitted to the SS have any advantages by being members of the SS?

A No.

Q Did these Order Police men who joined the SS have to swear the SS oath?

A No.

Q Did they have to pay SS dues?

A Up to the beginning of war the usual dues of 50 pfennig or one Mark or One Mark 25 were paid, I am not sure how much.

Q What was the policy after the beginning of war?

A In the majority of cases no dues were paid.

Q Did these policemen wear SS uniforms?

A No. It was prohibited to wear the SS uniform while on duty.

BY COLONEL NEAVE:

Q What date was this? This was after the war?

A After the beginning of the war. This wearing of uniform also applies before the beginning of the war.

Q Was there a clear distinction between the SS and the police uniforms?

H0909-0008

A Yes. The ~~xxxi~~ color said what distinction. May I add something?

Q In regard to uniform?

A Yes.

Q Well, if brief.

A We could not wear the SS uniforms because if anyone on the street needed a policemen he would not have known to whom to turn, whether to the police or the SS, whether the person was a policemen or an SS member.

BY DR. KOESSL:

Q Did these policemen who were taken over by the SS have to do SS duty?

A No. With one rather technical exception.

Q What was the exception?

A The policemen were as a rule to take part once a month in a general SS inspection. The decree expressly said that the ~~xxx~~ police duty had first preference in any case, and as the policemen had to be on duty very much, hardly anyone would probably have taken part in an SS inspection.

Q What was the membership procedure for Order Policemen?

A There was a simplified procedure for these members.

Q Of what kind were these simplified procedures?

A For one thing, the simplified procedure consisted of their not being even asked whether they wanted to be members of the SS or not. The policeman was informed that he had to be accepted. In other cases, the policemen had to make

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Darrow
20 May

H0909 - 0009

official application, but this by no means meant that it was within the hands of the individual member whether he wanted to make the official application or not. From time to time a definite number of men or definite group, as for example this Austria group, was admitted for SS membership but they had to make the application. Himmler was the supreme chief of police, and membership in XXXXXXX the SS was pointed out to us to be a special honor, and if the chief of a department or an office wants to honor one of his men, it is impossible not to accept this honor; and one should not forget that Himmler used the power that he had with very dictatorial methods. Refusal xx to enter would have been considered an insult or even sabotage and this would have meant serious consequences for that certain official. For us there were a number, a very large number, of reasons why we should not enter the SS. For example, we considered it politics to be the members of an organization, although we did not wear this uniform, although we did not take the oath, although we did no duty there and we only had our own duty and tasks. Above all, we were policemen who had been policemen for a number of years, for a number of decades in some cases, and now suddenly had to prove our right for existence by entering the SS. But considering Himmler's mentality, the only possibility was to retain our existence or our profession as policemen, to take care of our state tasks and duties as we wished to, if we acceded to him in this outer respect --

H0909-0010

BY COLONEL NEAVE:

Wait a minute. Will you ask the witness what would have been the result of refusal to be incorporated into the SS, on an individual person?

BY DR. KOESSL:

Q What results or consequences would the refusal to join the SS have had?

A It would have meant the end of this man's professional career, and the higher ranks would have to count on being placed in a concentration camp.

BY COLONEL NEAVE:

Q And who would have had to count on being placed in a concentration camp?

A The officers who had a higher rank in the organization; not the policemen but the officials.

COLONEL NEAVE: Dr. Koessl, will you ask the witness whether there is any evidence that that actually happened?

BY DR. KOESSL:

Q Is there proof that these consequences would have resulted?

A No, because there was no case of refusal. Whoever was asked to make application made the application.

BY COLONEL NEAVE:

Q So they never actually refused?

A No, but there were people who by means of personal skill were able to postpone their acceptance to their member-

H0909-0011

ship in the SS, and the end of the war placed a simultaneous end to their becoming members of the SS.

COLONEL NEAVE: Well, Dr. Koessl, will you bear in mind the wording of Paragraph 10 in asking questions of this witness? I hesitate to interrupt you further at the moment but would you bear that point in mind?

BY DR. KOESSL:

Q Does the general constraint of the members of the Order Police to become members -- the ~~law~~ thought against becoming members of the SS -- was it that these policemen considered the SS a criminal organization?

A No. Never. I should like to add something to that.

COLONEL NEAVE: Go on.

THE WITNESS: As policemen we had to be trained by centuries of training how laws were to be obeyed. We were educated to enforce the laws if necessary by force, and that would have been absurd if we had entered an organization which we would have had to consider as a criminal organization. If we had had the slightest doubts as to this we would nevertheless have been able despite Himmler's force or power to induce Himmler to have the policemen not join the SS.

BY ~~COLONEL NEAVE:~~ DR. KOESSL:

Q Do you mean individual members of the police?

A Yes. Then we should have been able to tell Himmler that the aims and objectives of the SS were not -- were in ~~x~~ opposition or contradiction to the aims and objectives

H0909-0012

of the police and that he would thus undermine his own position as chief of the German police; and I answer this to say that we should have been successful there.

Q How were the members of the German police admitted for membership, in what rank were they admitted as members of the SS?

A They held the same rank in the SS that they held in the Order Police. That means they received an SS rank that corresponded or had the same authority as the police. I as a member was admitted in 1938. I was Lieutenant Colonel and SS Obersturmbannfuehrer. accordingly/[illegible] When I was advanced to the rank of Colonel I became automatically SS Standartenfuehrer; and that was the same case everywhere.

BY DR. KOESSL:

Q If you had not been a member of the Police how would you have acquired these ranks in the SS? After a very long time, or after having done certain things?

A I should have spent many more years to attain these ranks.

Q Can you say what percentage of police officers became SS members according to this rank, this rank of duty in the SS?

A I cannot say without the material, exactly. The entry, the acceptance into the SS, was registered by the SS and we never heard in the main office of the Order Police how many policemen for example were admitted. I can only

H0909-0013

make an estimate, and I base my estimate on how many groups or which groups could make an application for membership, and I should then arrive at 30,000, 40,000 or 50,000 in all. 26,000 of these became members of the SS solely because they were new policemen. I said before that newly created policemen were to become members of the SS, and at the beginning of the war there was one big action when we employed or took over a large number of policemen.

Q Was this new group taken out of the SS?

A No.

Q The Prosecution maintains all the policemen will be recruited from the SS.

A The contrary is the case.

Q Can you say something?

A Yes. Law decreed that the members of the Police were to be recruited from the SS and the Army. No percentage was given. The SS made a theoretical calculation at that time that we could have a yearly substitute of 3,000 men. That means that the Order Police received 3,000 men a year from the SS. That is to say those people were to be recruited who had done four years service there. When the first instance arose and we were to receive 3,000 men, not even 50 men applied, 40 men. And that was the reason why we could only recruit our substitutes from the Wehrmacht, from the Army.

Q Is the assertion made by the Prosecution that

H0909-0014

openings were viewed by people from the SS, a wrong one?

A Yes.

Q You said that only parts of the Police members were taken over by the SS. Why did not a lot of members of the Order Police become members of the SS?

A There were probably several reasons for that. For instance, there was no cooperative membership as far as the SS and Order Police were concerned.

Q Please explain what you mean by cooperative membership.

A For example, I am a member of the Police Sport Club, and because I am a member of the Police athletic club, at the same time together with all the other members of my sport or athletic club, member of the Reich athletic club, but not as an individual, only as a member of the sport club.

COLONEL NEAVE: Could the witness clarify that a bit? I was not quite clear what was meant by that example.

THE WITNESS: I am a member of the Police athletic club as an individual. I pay my dues and all the other members of the Police athletic club do the same, and the management of the Police athletic club has a liaison in the German Reich sport organization; similar as all the other German sport clubs or athletic clubs.

BY DR. KOESSL:

Q And you yourself personally never made any application to be a member of the Reichbund or the Reich sport organization?

H0909 - 0015

A No.

Q A member of only the athletic club is a member of the Reich sport organization?

A Yes.

Q What other reasons were there for not taking all members of the Order Police to be members of the SS?

A I believe that I can say that Himmler laid no special value on having all the members of the Police be SS members. He did not want to have too many as far as numbers were concerned, as SS members. I said before that he mistrusted the Police, and he said this in no uncertain terms.

Q Then it was a selection of especially reliable policemen who were accepted in the SS?

A No. I just said that as far as the number was concerned, he did not want a few police.

Q Which laws or regulations published the regulations for becoming members of the SS?

A There were no laws published unless we mention or consider the first Fuehrer law order. All other regulations are contained in the Reich Ministerialblatt for the Interior administration in the form of decrees.

Q What people composed the Order Police?

A The question is not clear.

[illegible]

Q What conditions did anyone who wanted to become a

H0909 - 0016

member of the Order Police have to fulfill?

A These conditions were relatively difficult to fill.

COLONEL NEAVE: Wait a minute, Doctor. Has that any relation to the joining or being forced to join the SS?

DR. KOESSL: No immediate relation but a relation to the sort of people who composed or made up the Order Police.

COLONEL NEAVE: Well, the Commission only wants to know about the people who did join the SS, not about the rest of them. So if he can tell us about those people, what sort of people they were -- but I think he has already more or less described them, hasn't he?

BY DR. KOESSL:

Q Can you tell us if the SS police regiments belonged to the SS or to the police?

A They were pure police formations.

Q What kind of people were ordered to be members of the SS police regiments?

A They were not ordered to become members of the SS police regiments. The procedure was the following: We had police regiments and police battalions, and if police regiments or the police battalions had acted especially courageous, Himmler gave them the designation "SS Police Battalion;" which in no way pleased us. On the contrary, it embittered us. We were of the opinion that if any troop was to be distinguished, the troop does not need

H0909-0017

to have a new name and be distinguished in that way.

Q Were the members of the SS police regiments individual members of the SS?

A Only insofar as they have been accepted as members of the SS before.

Q Can you say anything or can you mention the percentage of SS members in the single police columns?

A No. I can only say that in general no membership in the SS was made by the volunteers of the fire brigade and the technical emergency squad and the police reserve.

Q Why were no individual members taken as members of the SS from these particular police branches?

A Because they were auxiliary organizations or were only temporary members of the police.

Q The Prosecution claims that the police were trained by the SS. Is that correct?

A No, that is not correct.

Q Who trained the Order Police?

A We had our own police schools, our own police teachers and our own police curricula. They had their own police schools, their own police officers, their own police teachers and their own police curricula. The SS had no influence at all as far as our training is concerned.

Q [illegible]

DR. KOESSL: I should like to draw your attention to the fact that that is the main question I want to ask this

H0909 - 0018

witness. For questions concerning the SS police regiments and other activities outside the German Reich countries I must call other witnesses, someone who is an expert or particularly well acquainted with this field.

COLONEL NEAVE: You have actually put in an application for that, I think, haven't you? Wasn't that one which we discussed the other day?

DR. KOESSL: The general application includes such a witness but the application hasn't been made concerning a witness. I should like to ask the witness if he can give us definite information about police regiments and their activities.

THE WITNESS: No, I cannot answer that question. I only worked with personnel questions.

COLONEL NEAVE: Well, if he doesn't know anything more about police regiments --

DR. KOESSL: Then I have done with this witness.

COLONEL NEAVE: Now, will you be cross-examining this witness after lunch?

COLONEL GRIFFITH JONES: Yes.

COLONEL NEAVE: Can that be dealt with now? We have about five minutes, I think.

COLONEL GRIFFITH JONES: I will wait until after we adjourn.

(A recess was taken until 1400 hours).

H0909-0019

(The Commission Reconvened at 1400 hours - 20 May, 1946)

JOHANES ZUPKE - RESUMED

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q I would like to ask the witness one or two questions about the decrees to which you referred this morning. I have one of the decrees before me and I want only to emphasize this fact: There is nothing in the decrees themselves which show that the membership of the S. S. Party Police was compulsory. Do you understand the question?

A Of course, the decree does not say that any compulsion was exerted. I said this morning that the compulsion existed from the fact that Himmler was our Chief and Himmler expected us to comply, and if any one fulfilled the commission given in the indivual decrees then he was expected to join, and if he didn't do so he was asked why he didn't join, and pressure was exerted on him to do so.

Q And I understood you to say you knew of no single instance where pressure was in fact exerted?

A Compulsion in a sense which I just explained. This morning I said there was no case in which any one refused to join and suffered in this refusal.

Q The name of Schutzpol~~ezie~~IZEI is a special distinction in the name, could you give me an example of a case where the ~~schutzpolezie~~ SCHUTZPOLIZEI ~~xxx~~ distinguished itself and got a special name in the S. S. police?

A Please ask another witness. I had nothing to do with the unit. I know that a decree would say such and such a person received

H0909 - 0020

SCHUTZPOLIZEI

the name of S. S. ~~Schutzpolezie~~ or S. S. police and I don't know which these were .

Q Did you know those special appointments had been made?

A This honor could only be given after the beginning of the war. Before that we had no regiments.

SCHUTZPOLIZEI

Q So after the beginning of the war the ~~Schutzpolezie~~ were working in the occupied territory, isn't that so?

A Please ask a man who was concerned with such questions as I can only answer questions about my own work. I don't like to make any inaccurate statements.

Q The witness said this morning Himmler was not the kind to confide in the ordinary police? ~~Himmler did not confide in the ordinary police?~~

A Himmler did not confide in the ordinary police.

Q What is the reason for this answer?

A The reason was that we had been trained in the old concept of officers and Himmler, this didn't suit him. He considered us ~~beaur~~ beaurocratic.

Q If, for instance he wanted the police to take certain action?

A In my sector in the personnel sector I was not consulted. I should like to add that he always told us not to follow the regulations strictly. For example, the peace time regulations provided that a man could be promoted only after four years, but under war conditions he might be promoted every three years in spite of the regulations.

H0909 - 0021

BY COLONEL SMIRNOV:

Q What service did you do.

A I dealt with basic personnel.

Q Where were you?

A That was the main office of the Order Police.

Q Did you select the personnel? Did you deal with selecting the personnel?

A I had to help make the regulations which were decisive in selecting the personnel.

BY DR. KOESSEL:

Q. Did the order for the taking into the S S receive instructions like the ~~Schutzpolezie~~ SCHUTZPOLIZEI?

A Not at all.

BY COLONEL BROOKHART:

Q How can you be sure?

A If such orders had been given they would have had to be given at the main office, and since my group dealt with the taking of the schutzpolezie into the S S I would have had to give these orders and I did not give them.

Q You had already cited one instance where you did not know about orders giving police regiments as S S regiments. I wonder how you can be so sure in this matter involving secret orders?

A I am so certain because the other orders were orders given by different groups.

(The Commission adjourned at 1430 hours)

H0909 - 0022

The foregoing is a true and correct transcript of the testimony of JOHANNES ZUPKE, taken on 20 May 1946.

S H B Darrow
Reporter (pp. 1-17)

Rose W Cook
Reporter (pp. 18-20)

CERTIFIED TO:

Aug Neare Lt col.
Commissioner

Joseph F Tubridy capt
Commissioner

H0909 - 0023

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL, PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946; MONDAY, 20 MAY 1946.

COMMISSIONERS:

Colonel S. M. S. Neave
Captain Joseph Tubridy

THE SS

(The Commission convened at 1200 Hours).

JOHANNES ZUPKE, a witness, took the stand and testified as follows:

BY COLONEL NEAVE:

Q What is your full name?

A Johannes Zupke.

Q Will you raise your right hand and repeat these words after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q You may sit down.

COLONEL GRIFFITH JONES: When defense counsel refer to a document it will be of assistance to give the number of it.

COLONEL NEAVE: Yes, will you do that. Will you give the number of the documents.

DIRECT EXAMINATION

BY DR. KOESSL:

Q Can you give basic information about the individual members of the Order Police in the SS?

A Yes.

COLONEL NEAVE: Can you tell us what this man's position was?

BY DR. KOESSL:

Q What position did you have?

A I was Gruppenleiter in the Personnel Department of the Order Police.

Q What special fields or questions were dealt with in your depart-

H0909 - 0024

ment?

A My department dealt with all basic personnel questions. No individual cases were treated. We handled especially questions of career, questions of regulations as to marriage, as to leave, police official law and so-called amalgamation of the SS and the police.

Q Are there any other special fields?

A I don't believe that I have to mention others that have any bearing on any case concerned with this trial. I also handled other affairs.

Q How long were you a police officer?

A I became a police officer in August of 1919.

Q Have you been police officer the whole time from this time until Germany's collapse?

A Yes. Without a break.

Q What were you before 1919?

A During the World War I volunteered and later I was a reserve officer of the Reserves.

Q Can your professional career be considered as the general career of a police officer?

A At that time, yes.

Q What wasthe historic development of taking over members of the Order Police as members of the SS?

A May I make explanations.

COLONEL NEAVE: What did he say?

THE WITNESS: I should like to ask permission to make explanations. In 1934 or it may have been 1935 there was passed a decree or order. This order, this very order, forbade among other things membersof the Shutzpolezei and of the gendarmarie to be members of the SS and the SA. Anyone who already was a member of the SA or the SS had to resign membership. This decree was published in the Reichs Ministerialblatt.

BY DR. KOESSL:

Q Was this order maintained?

A In 1937 Hitler suddenly passed an order. This order that Hitler

H0909-0025

passed was made upon the suggestion of Himmler. This decree said that members of the SS within the Order Police were to wear their uniforms, their S uniforms.

COLONEL NEAVE: Which uniforms does he mean?

THE WITNESS: On the police uniforms these members of the SS were to wear the Victory runes of the SS.

COLONEL NEAVE: This was 1937.

THE WITNESS: This was 1937.

COLONEL NEAVE: These are members of the SS within the police?

THE WITNESS: The Order Police. But, in principle, membership of the SS was forbidden and he who was a mem-

H0909-0026

ber of the SS should have resigned his membership. The decree saying that we were to wear the Victory rune was practically without significance. There was only a handful of people who had remained in the SS in spite of the prohibition, the law forbidding them to do so. The decree was then interpreted to mean asfollows: That the prohibition for members of the Order Police to be members of the SS had to be retracted, but even now the number of membersof the SS within the Order Police was very small. And now for the first time there was a larger registration of membersof the Order Police in the SS, and this was after the annexation of Austria. All police members who had taken part in the entry into Austria were not permitted to become members of the SS. This same measure or the same regulation was later used on various occasions. For example, the annexation of the Sudetenland, Czecho-Slovakia, when newpolice officers were created, especially if they had a faultless record for six months within the police; and I believe from 1940 on from newly promoted officers it was also allowed for newly promoted officers to join the SS.

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A Not the slightest.

Q Did the members of the Order Police who were admitted to the SS have any advantages by being members of the SS?

A No.

Q Did these Order Police men who joined the SS have to swear the SS oath?

A No.

Q Did they have to pay SS dues?

H0909 - 0027

A Up to the beginning of war the usual dues of 50 pfennig or one Mark or One Mark 25 were paid, I am not sure how much.

Q What was the policy after the beginning of war?

A In the majority of cases no dues were paid.

Q Did these policemen wear SS uniforms?

A No. It was prohibited to wear the SS uniform while on duty.

BY COLONEL WNEAVE:

Q What date was this? This was after the war?

A After the beginning of the war. This wearing of uniform also applies before the beginning of the war.

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A Yes. The color said what distinction. May I add something?

Q In regard to uniform?

A Yes.

Q Well, if brief.

A We could not wear the SS uniforms because if anyone on the street needed a policemen he would not have known to whom to turn, whether to the police or the SS, whether the person was a policeman or an SS member.

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A There was a simplified procedure for these members.

Q Of what kind were these simplified procedures?

A For one thing, the simplified procedure consisted of their not be even asked whether they wanted to be members of the SS or not. The police was informed that he had to be accepted. In other cases, the policeman ha to make

H0909-0028

official application, but this by no means meant that it was within the hands of the individual member whether he wanted to make the official application or not. From time to time a definite number of men or definite group, as for example this Austria group, was admitted for SS membership but they had to mak the application. Himmler was the supreme chief of police, and membership in t SS was pointed out to us to be a special honor, and if the chief of a departme or an office wants to honor one of his men, it is impossible not to accept th honor; and one should not forget that Himmler used the power that he had wit very dictatorial methods. Refusal to enter would have been considered an ins or even sabotage and this would have meant serious consequences for that certa official. For us there were a number, a very large number, of reasons why we should not enter the SS. For example, we considered it politics to be the members of an organization, although we did not wear this uniform, although we did not take the oath, although we did no duty there and we only had our own duty and tasks. Above all, we were policemen who had been policemen for number of years, for a number of decades in some cases, and now suddenly had to prove our right for existence by entering the SS. But considering Himmler mentality, the only possibility was to retain our existence or our professi on as policemen, to take care of our state tasks and duties as we wished to, if we acceded to him in this outer respect --

COLONEL NEAVE: Wait a minute. Will you ask the witness what would have been the result of refusal to be incorporated into the SS, on an individ person?

BY DR. KOESSL:

Q What results or consequences would the refusal to join the SS hav been?

A It would have meant the end of this man's professi nal career, a the higher ranks would have to count on being placed in a concentration camp.

BY COLONEL NEAVE:

Q Who would have had to count on being placed in a concentration camp?

A The officers who had a higher rank in the organization; not the policemen but the officials.

COLONEL NEAVE: Dr. Koessl, will you ask the witness whether there

H0909-0029

any evidence that that actually happened?

BY DR. KOESSL:

Q Is there proof that these consequences would have resulted?

A No, because there was no case of refusal. Whoever was asked to make application made the application.

BY COLONEL NEAVE:

Q So they never actually refused?

A No, but there were people who by means of personal skill were able to postpone their acceptance fo their membership in the SS, and the end of the war placed a simultaneous end to their becoming members of the SS.

COLONEL NEAVE: Well, Dr. Koessl, will you bear in mind the wording of Paragraph 10 in asking questions of this witness? I hesitate to interrupt you further at the moment but would you bear that point in mind?

BY DR. KOESSL:

Q Does the general constraint of the members of the Order Police to become members -- the thought against becoming members of the SS -- was it that these policemen considered the SS a criminal organization?

A No, never, I should like to add something to that.

COLONELNEAVE: Go on.

THE WITNESS: As policemen we had to be trained by centuries of train how laws were to be obeyed. We were educated to enforce the laws if necessar by force, and that would have been absurd if we had entered an organisation we would have had to consider a criminal organization. If we had had the slightest doubts as to this we would nevertheless have been able despite Himml force or power to induce Himmler to have the policemen not join the SS.

BY DR. KOESSL:

Q Do you mean individual members of the police?

A Yes. Then we should have been able to tell Himmler that the aims and objectives of the SS were not -- were in opposition or contradiction to the aims and objectives

H0909 - 0030

of the police and that he would thus undermine his own position as chief of the German police; and I answer this to say that we should have been successful there.

Q How were the members of the German Police admitted for membership, in what rank were they admitted asmembers of the SS?

A They held the same rank in the SS that they held in the Order Police. That means they received an SS rank that corresponded or had the same authority as the police. I as a member was admitted in 1938. I was Lieutenant Colonel and according SS Obersturmbannfuehrer. When I was advanced to the rank of Colonel I became automatically SS Standartenfuehrer; and that was the same case everywhere.

BY DR. KOESSL:

Q If you had not been a member of the Police how would you have acquired these ranks in the SS? After a very long time, or after having done certain things?

A I should have spent many more years to attain these ranks.

Q Can you say what percentage of police officers became SS members according to this rank, this rank of duty in the SS?

A I cannot say without the material, exactly. The entry, the acceptance into the SS, was registered by the SS and we never heard in the main office of the Order Police how many policemen for example were admitted. I can only make an estimate, and I base my estimate on how many groups or which groups could make an application for membership, and I should then arrive at 30,000, 40,000 or 50,000 in all. 26,000 of these became members of the SS solely because they were new policemen. I said before that newly created policemen were to become members of the SS, and at the beginning of the war there was one big action when we employed or took over a large number of policemen.

Q Was this new group taken out of the SS?

A No.

Q The Prosecution maintains all the policemen will be recruited from the SS.

A The contrary is the case.

H0909 - 0031

Q Can you say something?

A Yes. Law decreed that the members of the Police were to be recruited from the SS and the Army. No percentage was given. The SS made a theoretical calculation at that time that we could have a yearly substitute of 3,000 men. That means that the Order Police received 3,000 men a year from the SS. That is to say those people were to be recruited who had done four years service there. When the first instance arose and we were to receive 3,000 men, not even 50 men applied, 40 men. And that was the reason why we could only recruit our substitutes from the Wehrmacht, from the Army.

Q Is the assertion made by the Prosecution that openings were viewed by people from the SS, a wrong one?

A Yes.

Q You said that only parts of the Police members were taken over by the SS. Why did not a lot of members of the Order Police become membersof the SS?

A There were probably several reasons for that. For instance, there was no cooperative membership as far as the SS and Order Police were concerned

Q Please explain what you mean by cooperative membership.

A For example, I am a member of the Police Sport Club, and because I am a member of the Police athletic club, at the same time together with all the other membersof my sport or athletic club, member of the Reich athletic club, but not asan individual, only as a member of the sport club.

COLONEL NEAVE: Could the witness clarify that a bit? I was not quite clear what was meant by that example.

THE WITNESS: I am a member of the Police athletic club as an individual. I pay my dues and all the other members of the Police athletic club do the same, and the management of the Police athletic club has a liaison in the German Reich sport organization; similar asall the other German sport clubs or athletic clubs.

BY DR. KOESSL:

Q And you yourself personally never made any application to be a member of the Reichbund or the Reich sport organization?

H0909 - 0032

A No.

Q A member of only the athletic club is a member of the Reich sport organization?

A Yes.

Q What other reasons were there for not taking all members of the Order Police to be members of the SS?

A I believe that I can say that Himmler laid no special value on having all the members of the Police be SS members. He did not want to have too many as far as numbers were concerned, as SS members. I said before that he mistrusted the Police, and he said this in no uncertain terms.

Q Then it was a selection of especially rel iable policemen who were accepted in the SS?

A No. I just said that as far as the number was concerned, he did not want a few police.

Q Which laws or regulations published the regulations for becoming members of the SS?

A There were no laws published unless we mention or consider the first Fuehrer law order. All other regulations are contained in the Reich Ministerialblatt for the Interior administration in the form of decrees.

Q What people composed the Order Police?

A The question is not clear.

Q What conditions did anyone who wanted to become a member of the Order Police have to fulfill?

A These conditions were relatively difficult to fill.

COLONEL NEAVE: Wait a minute, Doctor. Has that any relation to the joining or being forced to join the SS?

DR. KOESSL: No immediate relation but a relation to the sort of people who composed or made up the Order Police.

COLONEL NEAVE: Well, the Commission only wants to know about the people who did join the SS, not about the rest of them. So if he can tell us about those people, what sort of people they were -- but I think he has already more or less described them, hasn't he?

BY DR. KOESSL:

Q Can you tell us if the SS police regiments belonged to the SS or

H0909 - 0033

to the police?

A They were pure police formations.

Q What kind of people were ordered to be members of the SS police regiments?

A They were not ordered to become members of the SS police regiments. The procedure was the following: We had police regiments and police battalions, and if police regiments or the police battalions had acted especially courageous, Himmler gave them the designation "SS Police Battalion;" which in no way pleased us. On the contrary, it embittered us. We were of the opinion that if any troop was to be distinguished, the troop does not need to have a new name and be distinguished in that way.

Q Were the members f the SS police regiments individual members of the SS?

A Only insofar as they have been accepted as members of the SS ?

Q Can you say anything or can you mention the percentage of SS members in the single police columns?

A No. I can only say that in general no membership in the SS was made by the volunteers of the fire brigade and the technical emergency squad and the police reserve.

Q Why were no individual members taken as members of the SS from these particular police branches?

A. Because they were auxiliary organizations or were only temporary members of the police.

Q The Prosecution claims that the police were trained by the SS. Is that correct?

A No, that is not correct.

Q Who trained the Order Police?

A We had our own police schools, our own police teachers and our own police curricula. They had their own police schools, their own police officers, their own police teachers and their own police curricula. The SS had no influence at all as far as our training is concerned.

DR. KOESSL: Ishould like to draw your attention to the fact that that is the main question I want to ask this

H0909-0034

witness. For questions concerning the SS police regiments and other activit outside the German Reich countries I must call other witnesses, someone who is an expert or particularly well acquainted with this field.

COLONEL NEAVE: You have actually put in an application for that, I think, haven't you? Wasn't that one which we discussed the other day?

DR. KOESSL: The general application includes such a witness but the application hasn't been made concerning a witness. I should like to ask the witnessif he can give us definite information about police regiments and their activities.

THE WITNESS: No, I cannot answer that question. I only worked with personnel questions.

COLONEL NEAVE: Well, if he doesn't know anything more about police regiments --

DR. KOESSL: Then I have done with this witness.

COLONEL NEAVE: Now, will you be cross-examining this witness after lunch?

COLONEL GRIFFITH JONES: Yes.

COLONEL NEAVE: Can that be dealt with now? We have about five minutes, I think.

COLONEL GRIFFITH JONES: I will wait until after we adjourn.

(A recess was taken until 1400 hours).

(The Commission Reconvened at 1400 hours - 20 May, 1946)

JOHANNES ZUPKE - RESUMED

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q I would like to ask the witness one or two questions about the decr to which you referred this morning. I have one of the decrees before me and I want only to emphasize this fact: There is nothing in the decrees themselv whichshow that the membership of the SS Party Police was compulsory. Do you understand the question?

A Of course, the decree does not say that any compulsion was exerted.

H0909 – 0035

I said this morning that the compulsion existed from the fact that Himmler was our Chief and Himmler expected us to comply and if any one fulfilled the commission given in the individual decrees then he was expected to join, and if he didn't do so he was asked why he didn't join, and pressure was exerted on him to do so.

Q And I understood you to say you know of no single instance where pressure was in fact exerted?

A Compulsion in a sense which I just explained. This morning I said there was no case in which any one refused to join and suffered in this refusal.

Q The name of Schutzpolizei is a special distinction in the name, could you give me an example of a case where the Schutzpolizei distinguished itself and got a special name in the SS police?

A Please ask another witness. I had nothing to do with the unit. I know that a decree would say such and such a person received the name of SS Schutzpolizei or SS police and I don't know which these were.

Q Did you know those special appointments had been made?

A This honor could only be given after the beginning of the war. Before that we had no regiments.

Q So after the beginning of the war the Schutzpolizei were working in the occupied territory, isn't that so?

A Please ask a man who was concerned with such questions as I can only answer questions about my own work. I don't like to make any inaccurate statements.

Q The witness said this morning Himmler was not the kind to confide in the ordinary police?

A Himmler did not confide in the ordinary police.

Q What is the reason for this answer?

A The reason was that we had been trained in the old concept of officers and Himmler, this didn't suit him. He considered us bourgeoisie.

Q If, for instance he wanted the police to take certain action?

A In my sector in the personnel sector I was not consulted. I should

H0909 - 0036

like to add that he always told us not to follow the regulations strictly. For example, the peace time regulations provided that a man could be promoted only after four years, but under war conditions he might be promoted every three years in spite of the regulations.

H0909 - 0037

BY COLONEL SMIRNIV:

Q What service did you do.

A I dealt with basic personel.

Q Where were you?

A That was the main office of the Order Police.

Q Did you select the personnel? Did you deal with selecting the personne.

A I had to help make the regulations which were decisive in selecting the personnel.

BY DR. HOESSEL:

Q Did the order for the taking into the SS receive instructions like the Schutzpolizei?

A Not at all.

BY COLONEL BROOKHART:

Q How can you be sure?

A If such orders had been given they would have had to be given at the main office, and since my group dealt with the taking of the schutzpolezie into the SS I would have had to give these orders and I did not give them.

Q You had already cited one instance where you did not know about orders giving police regiments as SS regiments. I wonder how you can be sure in this matter involving secret orders?

A I am so certain because the other orders were orders given by different groups.

(The Commission adjourned at 1430 hours)

The foregoing is a true and correct transcript of the testimoney of JOHANNES ZUPKE, taken on 20 May 1946.

HOWARD DARROW
Reporter

ROSE W. COOK
Reporter

CERTIFIED TO:

LT COL A.M.S.HEAVE
Commissioner

CPT JOSEPH TUBRIDY
Commissioner